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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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10 RESHMA KAMATH,

11 Plaintiff,

12 v.

13 WILLIAM ALSUP, et al.,

14 Defendants.

15 Case No.: 23CV06494-GPC

16 **ORDER DISMISSING CIVIL
17 ACTION FOR FAILURE TO SERVE
18 AND FOR FAILING TO COMPLY
19 WITH COURT ORDER**

20 This case was assigned to the undersigned judge on May 8, 2024. Plaintiff
21 Reshma Kamath, an attorney proceeding pro se, filed a complaint on December 17, 2023.
22 (Dkt. No. 1, Compl.) A proof of service on the complaint and summons were never filed.
23 Over four months later, on April 30, 2024, Plaintiff filed an amended complaint. (Dkt.
24 No. 17, Am. Compl.) The docket indicates that Plaintiff has not requested a summons on
25 the amended complaint.

26 On June 14, 2024, the Court directed “Plaintiff to request a summons from the
27 Clerk of Court and serve Defendants with the complaint and summons as well as the
28 supplementary material required by N.D. Cal. Civil Local Rule 4-2 by July 29, 2024 or
the Court will dismiss the action without prejudice” pursuant to Federal Rule of Civil
Procedure (“Rule”) 4(m). (Dkt. No. 19.)

29 Plaintiff must serve the complaint and summons within 90 days after the complaint
30 is filed. Fed. R. Civ. P. 4(c)(1), (m). Further, Rule 41(b) provides that if a plaintiff “fails

1 to prosecute or to comply with these rules or a court order, a defendant may move to
2 dismiss the action or any claim against it.” Fed. R. Civ. P. 41(b). Dismissals may also be
3 ordered by the Court *sua sponte*. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 629-30
4 (1962).

5 Here, Plaintiff has not timely filed a proof of service of the amended complaint and
6 summons as ordered by the Court nor has she sought an extension of time to file one.
7 Accordingly, the Court DISMISSES this civil action in its entirety for failure to serve the
8 amended complaint and summons pursuant to Rule 4(m) and for failure comply with a
9 court order pursuant to Rule 41(b). The Court DIRECTS the Clerk of Court to close the
10 file.

11 IT IS SO ORDERED.

12 Dated: August 2, 2024



13 Hon. Gonzalo P. Curiel
14 United States District Judge

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